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6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 CHRISTOPHER ZIEHM
INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS SIMILARLY
11 SITUATED,

12 Plaintiffs,

13 v.

14 GC SERVICES, LIMITED
PARTNERSHIP,

15 Defendant.
16

Case No.: 14-cv-1599-AJB-DHB

NOTICE OF RELATED CASES

17 PLEASE TAKE NOTICE, pursuant to Civil L.R. 40.1(f), that the following
18 case pending in this District and another case previously pending in this District are
19 related to this case.

20 **I. RELATED CASES**

21 *Thomasson, et al. v. GC Services LP, et al.*, S.D. Cal. Case No. 05-cv-940 JAH-KSC
22 (“*Thomasson*”), filed May 4, 2005 and voluntarily dismissed pursuant to settlement on
23 February 4, 2014 (*Thomasson* Dkt. 336)

24 *Montemayor v. GC Services, LP, et al.*, S.D. Cal. Case No. 13-cv-1959 JAH-KSC
25 (“*Montemayor*”) filed August 22, 2013 and still pending.

26 **II. STATEMENT OF RELATIONSHIP OF THE ACTIONS**

27 The *Thomasson* and *Montemayor* cases are related to this action because the
28 actions involve the same or similar parties, the same or similar claims, the same

1 transactions or events, and substantially the same facts and questions of law.
2 Specifically:

3 (1) GC Services Limited Partnership is the only named defendant in all three
4 actions;

5 (2) Plaintiffs in all actions assert putative class actions where the alleged
6 classes, as defined in the respective complaints, are similar (*Cf. Thomasson* Dkt. No. 6
7 at ¶¶ 41-42; *Montemayor* Dkt. No. 1 at ¶ 28 and *Ziehm* Dkt. No. 1 at ¶ 32);

8 (3) The operative complaints in all actions allege that a GC Services Limited
9 Partnership practice and policy of monitoring and recording its own telephone calls
10 with plaintiffs and the putative classes, in the ordinary course of its own business,
11 violates California Penal Code section 632 and/or 632.7, pursuing the same or similar
12 relief for similar classes of persons and asserting the same or similar common issues
13 for certification of similar classes (*Cf. Thomasson*, Dkt No. 6 at ¶¶ 44 and 50-56;
14 *Montemayor* Dkt. No. 1 at ¶¶ 32 and 38-45; and *Ziehm* Dkt. 1 at ¶¶ 36 and 42-52);

15 (4) All the actions allege that, pursuant to its business practices and policies,
16 GC Services Limited Partnership monitored and recorded telephone calls with
17 plaintiffs and some members of the class, in the ordinary course of business, without
18 first obtaining consent from the named plaintiffs and some class members (*Cf.*
19 *Thomasson* Dkt. No. 6 at ¶ 40; *Montemayor*, Dkt. No. 1 at ¶¶ 20-22); and *Ziehm* Dkt.
20 No. 1 at ¶¶ 45-50).

21 (5) The *Thomasson* case was pending in this Court between May 4, 2005 and
22 February 14, 2014, including two appeals to the Ninth Circuit. In the first appeal the
23 Ninth Circuit affirmed summary judgment by the District Court on the claims for
24 violation of California Penal Code section 632, and reversed summary judgment as to
25 the claim for violation of the Fair Debt Collection Practices Act (Ninth Circuit Case
26 No. 07-56215, Dkt. No. 33). In the most recent appeal, the Ninth Circuit reversed the
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1 class certification order by the District Court and remanded with instructions to de-
2 certify the class (Ninth Circuit Case No. 11-56100, Dkt. No. 33-1).

3 (6) The *Montemayor* case was filed in this district on August 8, 2013 and
4 assigned to Judge William Q. Hayes and Magistrate Judge Ruben B. Brooks. GC
5 Services filed a Notice of Related Case in *Montemayor* (*Montemayor* Dkt. No. 4)
6 suggesting that *Montemayor* and *Thomasson* cases should be assigned to a single
7 district judge for judicial efficiency. As a result of that suggestion *Montemayor* was
8 transferred to Judge John A. Houston and Magistrate Judge Karen S. Crawford, who
9 were assigned to the then pending *Thomasson* case, pursuant to the Low Number Rule
10 (*Montemayor* Dkt. No. 8). On December 3, 2013 GC Services filed a pre-answer
11 motion to dismiss the *Montemayor* case based, in part on the prior rulings in the
12 *Thomasson* case (*Montemayor* Dkt. No. 16). That motion is fully briefed and was
13 taken under submission by Judge Houston on February 5, 2014 (*Montemayor* Dkt. No.
14 25).

15 (7) The *Ziehm* case was filed in the Central District of California on May 20,
16 2014 (*Ziehm* Dkt. No. 1). GC Services filed a consent motion to change venue of the
17 *Ziehm* case to this district based on the pendency of the *Montemayor* case and this
18 Court's prior history with the *Thomasson* case (*Ziehm* Dkt. No. 11). Plaintiff filed a
19 statement of no opposition to GC Services' motion to change venue (*Ziehm* Dkt. No.
20 12). On July 1, 2014 Judge Stephen V. Wilson in the Central District granted the
21 motion to change venue. In his findings in support of granting the consent motion to
22 change venue Judge Wilson stated: "Finally, transfer will further judicial economy in
23 view of the apparently similar case of *Thomasson v. GC Services, Ltd. Partnership*,
24 No. CV-05-00940-LAB, which was recently pending in the Southern District. See
25 *Thomasson v. GC Services Ltd. Partnership*, 321 Fed. App'x 557 (9th Cir. 2008)
26 (unpublished)" (*Ziehm* Dkt. 13).

1 **III. STATEMENT ON PROPRIETY OF ASSIGNMENT TO A SINGLE**
2 **JUDGE**

3 GC Services Limited Partnership believes that assignment of the *Ziehm* case
4 and the *Montemayor* case to a single district judge in the Southern District is
5 appropriate to save judicial effort and prevent inconsistent results.

6 Respectfully submitted,

7 Dated: July 7, 2014

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9 Attorneys for defendant GC Services
Limited Partnership

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